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TRANSMITTAL FORM

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Total Number of Pages in This Submission

15

Application Number	10/763,719
Filing Date	January 23, 2004
First Named Inventor	Thomas Zdeblick et al.
Art Unit	3774
Examiner Name	Alvin J. Stewart
Attorney Docket Number	MSDI-200/PC261.21

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Receipt Postcard
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Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Krieg DeVault LLP		
Signature			
Printed name	Brad A. Schepers		
Date	March 11, 2009	Reg. No.	45,431

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I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:)	Before the Examiner
Thomas Zdeblick et al.)	Alvin J. Stewart
)	
Serial No. 10/763,719)	Group Art Unit 3774
)	
Filed January 23, 2004)	Ref. No. MSDI-200/ PC261.21
)	
METHODS AND INSTRUMENTS)	March 11, 2009
FOR INTERBODY FUSION)	

RESPONSE TO NON-FINAL OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the non-final Office Action dated December 11, 2008, please enter and consider the following amendments and remarks. Additionally, please provide any extensions of time necessary and charge any additional fees which may be necessary to Deposit Account No. 12-2424, but not to include any payment of issue fees.

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March 11, 2009

Date of Deposit

Brad A. Schepers

Name of Registered Representative

Signature

March 11, 2009

Date of Signature

INTRODUCTORY COMMENTS

Claims 15-23, 39-43, 45-47, 49-52, 54, 55, 65, 67 and 71 were pending in the subject application for the non-final Office Action dated December 11, 2008. Claims 15-23, 41-43, 51, 52, 65, 67, 71 and 73 have been allowed. Claim 39 has been withdrawn from consideration. Claims 40, 45, 46 and 50 currently stand rejected. In view of the following amendments and remarks, reconsideration and allowance of the subject application are hereby requested.